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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/529,840

03/31/2005

Stephen C. P. Joseph

57718US002

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04/01/2008

3M INNOVATIVE PROPERTIES COMPANY

PO BOX 33427

ST. PAUL, MN 55133-3427

EXAMINER

NGUYEN, DINH Q

ART UNIT

PAPER NUMBER

3752

NOTIFICATION DATE

DELIVERY MODE

04/01/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/529,840	Applicant(s) JOSEPH ET AL.	
	Examiner Dinh Q. Nguyen	Art Unit 3752	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/18/20</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The indicated allowability of claims 1-13, 15-20 is withdrawn in view of the newly discovered reference(s) to Mattson. Rejections based on the newly cited reference(s) follow.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a set of interchangeable horns” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification and the drawing do not disclose how to adjust the inwardly air streams for controlling the spray characteristics.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, 7, 12, 13, 15, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mattson as best understood by the examiner.

Mattson discloses a liquid spraying apparatus comprising a spray gun 10/11 including: a spray gun body 11 provided with a trigger mechanism 14/19; a spray head including a hollow body 23/24 configured to releasably couple to a rear end of the spray head to the spray gun body 11 by set screw 42, and an insert 35 having an axial bore and configured to axially insert into the hollow body 23/24 (see column 4, lines 32+), wherein the combination of the

Art Unit: 3752

hollow body 23/24 and the insert 35 define a spray nozzle 38 at a front end of the spray head; a liquid reservoir (not shown) coupleable via fitting 37 to the hollow body 23/24 and the axial bore of the insert 35 for supplying liquid to the spray nozzle in response to actuation of the trigger mechanism 14/19 such that liquid from the reservoir is delivered to the spray nozzle 38 through the spray head without passing through the spray gun body 11; and air outlets arranged on arms 32 and opposite sides of the spray nozzle 38 to provide air streams directed inwardly into liquid dispensed from the spray nozzle; wherein an end of the hollow body and a front end of the spray gun body are provided with mateable formations via the snug fit sleeve 23 and set screw 42 that are engageable to secure the spray head to the spray gun body 11, the formations being releasable to detach the spray head from the spray gun body and a needle 16 connected to the trigger mechanism 14/19, and the air outlets on arms 32 are provided on air cap 27 of the spray head at the front end of the spray head body such that the air outlets and spray nozzle are connected via ring 27 to and disconnected from the spray gun body 11 with the spray head (see figures 1, 3, 4 and column 5, lines 45+), and wherein, the spray head is connectable via fitting 37 to a reservoir (not shown), and the adjustment ring can be used to move the nozzle 35 relative to the air outlets located on arms 32 thus controls the spray characteristics.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of McRitchie (US Patent No. 3,236,459).

Mattson teaches all the limitations of the claims except for a bayonet connection for the head and the reservoir. However, McRitchie discloses a liquid spraying apparatus having a spray gun body 10, a spray head body 210 that is releasably connected at a rear end to the spray gun body 10, wherein the spray head body 210 and a front end of the spray gun body 10 are provided with a bayonet mateable formation 106/107/108/118/120, a reservoir 18 mounted on the spray head 12 with a bayonet type connection 154/158 (see figure 5). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Mattson with a bayonet connection for the head and the reservoir as suggested by McRitchie. Doing so would provide a quick and easy way to assemble and disassemble.

9. Claims 3-5, 9-11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattson in view of Holt.

Mattson teaches all the limitations of the claims except for a remote reservoir that is connected by a flexible hose and a manual shut off valve. However, Holt discloses a spray gun 88 connected to a remote reservoir by a flexible hose 86 that has a manually operated valve 32. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Mattson with a remote reservoir that is connected by a flexible hose and a manual shut off valve as suggested by Holt. Doing so would provide an effective spraying system (see column 3, lines 15+).

With respect to claims 9-11, Mattson teaches all the limitations of the claims except for the reservoir that is re-usable, disposable, or collapsible. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art

to provide the device of Mattson with the reservoir that is re-usable, disposable, or collapsible, because Application has not disclosed that the reservoir that is re-usable, disposable, or collapsible provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either claimed reservoirs or the Mattson reservoir. Therefore, it would have been an obvious matter of design choice to modify the device of Mattson to obtain the invention as specified in claims 9-11.

With respect to claim 16, Mattson teaches all the limitations of the claims except for a set of interchangeable horns. At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the device of Mattson with the set of interchangeable horns, because Application has not disclosed that the set of interchangeable horns provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the claimed set of interchangeable horns or the Mattson's horn. Therefore, it would have been an obvious matter of design choice to modify the device of Mattson to obtain the invention as specified in claim 16.

Response to Arguments

10. Applicant's arguments filed on August 31, 2007 with respect to claims 1-13, 15-20 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinh Q Nguyen/
Primary Examiner, Art Unit 3752

dqn